

FILED 09 FEB 05 11:55 USDG-ORR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOE MACK BROWN, JR.,
Petitioner,

Civ. No. 06-1287-CL

v.

GUY HALL,

ORDER

Respondent.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Petitioner has filed objections. I have reviewed the file of this case de novo. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

I agree with Magistrate Judge Clarke that petitioner's trial counsel was not ineffective. The decision not to call the victim's ex-boyfriend as a witness was reasonable because the ex-boyfriend would not have provided useful testimony. I find no

error in the Report and Recommendation.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#43) is adopted. The petition is dismissed.

IT IS SO ORDERED.

DATED this 5 day of February, 2009.

A handwritten signature in cursive script, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE